

FY 2006 and FY 2007 Judicial Branch Strategic Initiatives

PREFACE

The Judicial Branch is in the process of reviewing its previous strategic initiatives in light of national model court standards issued under the auspices of the National Center for State Courts, and adopted by the national Conference of Chief Justices and the Council of State Court Administrators on August 3, 2005. During this interim period, however, we plan to focus on the following goals/initiatives, to help us maintain our “mission critical” focus. Those goals/initiatives may be adjusted during the year, based upon our assessment of the applicability in Delaware of recently promulgated national court standards.

These goals/objectives/initiatives are based upon various individual court objectives, collective Judiciary-wide initiatives, and national aspirational goals. Due to the aspirational nature of some objectives, we recognize that it is unlikely that we can accomplish those goals within the FY 2006-2007 time period. To measure progress in meeting the following goals/initiatives, the Judicial Branch must collect and analyze performance data. Until COTS implementation is complete, data collection presents substantial challenges. The Judiciary will use the best methods of data collection available to it at this time to track the required data.

MISSION STATEMENTS

The Judicial Branch, as a whole and each of the courts and the AOC have mission statements. The Judicial Branch Mission Statement is:

- To provide an efficient and effective mechanism for the citizens of the State to have their cases divided fairly and in a prompt manner.

The individual mission statements are as follows:

- Administrative Office of the Courts

To assist the judicial branch and others in delivering the highest quality of justice by providing effective and efficient administrative, support and information services

Within the Administrative Office of the Courts, the Judicial Information Center and the Office of State Court Collections also have mission statements as follows:

Judicial Information Center:

The Judicial Information Center (JIC) develops and maintains computerized information systems and provides technology support services to the judicial branch.

Office of State Court Collections

Work with the Delaware Judiciary and the criminal justice community to hold offenders accountable for paying their court-ordered financial assessments

- COTS

To deliver an information system that will enable the Delaware Judiciary to fulfill its mission of providing a fair, efficient, effective, and prompt forum for the resolution of both criminal and civil matters brought before our courts.

- Supreme Court

- Provide an efficient mechanism for the prompt, fair and legally-correct disposition of cases
- Regulate the practice of law through various committees appointed by the Supreme Court
- Establish statewide goals and implement appropriate policies for judicial administration and support operations
- Supervise other state courts pursuant to the Chief Justice's authority under Article IV, Section 13 of the Delaware Constitution

- Court of Chancery

To render justice in matters relating to corporate litigation, fiduciary and other matters within its jurisdiction in a way that is fair, prompt, efficient and highly expert.

- Superior Court

To provide superior service to the public in pursuit of justice.

The following statements of purpose are based on the six performance areas in the Trial Court Performance Standards:

- To be accessible to all litigants and other court users within safe and convenient facilities
- To provide prompt and efficient resolution of disputes and to meet its responsibility to everyone affected by its actions in a prompt and expeditious manner
- To provide due process and individual justice in each case, treat similar litigants similarly and ensure that the court's actions, and the consequences thereof, are consistent with established law
- To be accountable for the utilization of the resources at its disposal
- To ensure that the court's personnel practices and decisions establish the highest standards of personal integrity and competence among its employees
- To instill public trust and confidence that the court is fairly and efficiently operated

- Court of Common Pleas

The Court of Common Pleas is dedicated to provide assistance and a neutral forum to people in the resolution of their everyday problems and disputes in a fair, professional, efficient and practical matter.

- Family Court

The Family Court's mission is set forth in 10 Del. C. § 902(a):

To provide for each person coming under its jurisdiction such control, care, and treatment as will best serve the interests of the public, the family, and the offender, to the end that the home will, if possible, remain unbroken and the family members will recognize and discharge their legal and moral responsibilities to the public and to one another.

- Justice of the Peace Court

As the place “where justice starts”, the following is the mission of the Justice of the Peace Court:

- Serve the people of Delaware by the efficient and accessible administration of justice for all, and
- Treat all persons with integrity, fairness and respect

BACKGROUND AND ACCOMPLISHMENTS

Background - A Brief Introduction to the Delaware Court System

INTRODUCTION TO THE DELAWARE COURT SYSTEM

The Delaware Judiciary consists of the Supreme Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court and related judicial agencies.

In terms of interrelationships among the courts, the Delaware Court system is similar to a pyramid. The Justice of the Peace Court and the Alderman's Courts represent the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the court system pyramid, the legal issues generally become more complex and, thus, more costly to litigate. For this reason, cases decided as close as possible to the entry level of the court system generally result in cost savings to the judiciary in resources used to handle the matters and in speedier resolution of the issues at hand for the litigants.

The Justice of the Peace Court, the initial entry level into the court system for most citizens, has jurisdiction over civil cases in which the disputed amount does not exceed \$15,000. In criminal cases, the Justice of the Peace Court hears certain misdemeanors and most motor vehicle cases (excluding felonies) and the Justices of the Peace may act as committing magistrates for all crimes. Appeals from the Justice of the Peace Court may be taken to the Court of Common Pleas. Over one-half of all cases are disposed of rapidly at the Justice of the Peace Court level without further impact on the remainder of the judicial system.

The Court of Common Pleas has jurisdiction in civil cases where the amount in controversy, exclusive of interest, does not exceed \$50,000. In criminal cases, the Court of Common Pleas handles all misdemeanor offenses occurring in the State except certain drug-related offenses and all motor vehicles (except felony DUIs). The Court is also responsible for all preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

The Family Court has extensive jurisdiction over virtually all family and juvenile matters. All civil appeals, including those relating to juvenile delinquency, go directly to the Supreme Court while criminal cases are appealed to the Superior Court.

The Superior Court, Delaware's court of general jurisdiction, has original jurisdiction over criminal and civil cases except equity cases. The Court has exclusive jurisdiction over felonies and almost all drug offenses. In civil matters, the Court's authority to award damages is not subject to a monetary maximum. The Superior Court also serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases), and a number of administrative agencies. Appeals from the Superior Court may be taken on the record to the Supreme Court.

The Court of Chancery has jurisdiction to hear all matters relating to equity. The litigation in this tribunal deals largely with corporate issues, trusts, estates, other fiduciary matters, disputes involving the purchase of land and questions of title to real estate as well as commercial and contractual matters. The Court of Chancery has a national reputation in the business community and is responsible for developing the case law in Delaware on corporate matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

The Supreme Court is the State's appellate court which receives direct appeals from the Court of Chancery, the Superior Court, and the Family Court. As administrative head of the courts, the Chief Justice of the Supreme Court, in consultation with the other justices, sets administrative policy for the court system.

The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides those centralized services to the Delaware judiciary that are consistent with the statewide policies and goals for judicial administration and support operations as established by the Chief Justice of the Supreme Court.

Other agencies associated with the Judicial Branch include: Violent Crimes Compensation Board, Child Placement Review Board, Educational Surrogate Parent Coordinator, and Public Guardian, Office of the Child Advocate, Child Death, Near Death and Still Birth Commission, the Nursing Home Residents Quality Assurance Commission, and the law libraries.

Examples of Recent Accomplishments

- The Supreme Court has initiated a new e-filing project and adopted new Court Rules for e-filing which will become effective on October 24, 2005.
- Court of Chancery rendered 99.96% of cases within a 90 day period after readiness for adjudication – a substantial improvement from the prior year's already high performance of 90%.
- Superior Court was recognized as the premier court of general jurisdiction by the nation's top corporate counsel and senior litigators in the Harris Poll State Liability Systems Ranking Study for the fourth year in a row
- The Court of Common Pleas has implemented new procedures for handling traffic cases in New Castle County which minimize court time for defendants by requiring only one appearance
- Family Court used grant funding to develop and implement procedures for appropriately reducing the pre-trial detention population in juvenile detention centers

- The Justice of the Peace Court opened a larger and more centrally located Court 1 in Frankford.
- The Administrative Office of the Courts has worked with the U.S. Marshal Service to conduct security reviews of State courthouses.
- The Office of State Court Collections has continued to increase its rate of collections and has achieved a 97.6% increase in collections since FY 2000.
- The Judicial Information Center provided webcasting and audiovisual capabilities for the Disney trial in the Court of Chancery in Sussex County.

GOALS

Although the Judicial Branch has not formally adopted goals, the following goals underlie the objectivew of the Judicial Branch.

- To provide prompt and efficient resolution of disputes
- To provide equal access to justice
- To provide appropriate and safe facilities for justice
- To provide administrative support to further the delivery of justice

The Judicial Branch expects to expand its strategic planning process and to more fully develop Branch-wide goals over the coming year.

OBJECTIVES / STRATEGIC INITIATIVES/PERFORMANCE MEASURES/DATA

I. RELATING TO THE GOAL OF PROVIDING PROMPT AND EFFICIENT RESOLUTION OF DISPUTES

A. OBJECTIVES RELATING TO PROVIDING PROMPT AND EFFICIENT RESOLUTION OF DISPUTES

1. Provide prompt and efficient resolution of criminal cases

Supreme Court Objectives:

- 100% of criminal cases shall be disposed of within 250 days from the filing of the notice of appeal.
- 100% of criminal case shall be disposed of within 90 days of the date of submission of the case.

Superior Court Objectives:

- 90% of criminal cases shall be disposed of within 120 days of indictment (excluding murder cases).

- 98% of criminal cases shall be disposed of within 180 days of indictment (excluding murder cases).
- 100% of criminal cases shall be disposed of within 1 year of indictment (excluding murder cases).

Family Court Objectives:

- 90% of adult and juvenile criminal cases shall be disposed of within 45 days of the petition-information being filed.
- 100% of adult and juvenile criminal cases shall be disposed of within 90 days of the petition/information being filed.

Court of Common Pleas Objectives:

- 90% of criminal misdemeanor cases shall be arraigned within 30 days of their transfer from the Justice of the Peace Court.
- 90% of defendants held on bail for felony charges shall have a preliminary hearing conducted within 10 days.
- 100% of defendants held on bail for felony charges shall have a preliminary hearing conducted within 15 days.
- 100% of defendants released on bail for felony charges shall have a preliminary hearing conducted within 20 days.
- 100% of criminal misdemeanor cases shall be disposed of within 90 days of the filing of the information.
- In criminal cases where a pre-sentence investigation is ordered, 90% of cases shall be disposed of within 30 days of the guilty finding.
- In criminal cases where a pre-sentence investigation is ordered, 100% of cases shall be disposed of within 45 days of the guilty finding.

Justice of the Peace Court Objectives:

- 90% of criminal/traffic cases shall be disposed of within 90 days of arrest.
- 100% of criminal/traffic cases shall be disposed of within 180 days of arrest.

2. Provide prompt and efficient resolution of civil cases.

Supreme Court Objectives:

- 90% of civil cases shall be disposed of within 175 days of the date of filing of the notice of appeal.
- 90% of civil cases shall be disposed of within 90 days of the date of submission of the case.

Court of Chancery Objectives:

- 95% of decisions shall be rendered within 90 days of taking the matter under advisement.

Superior Court Objectives:

- 90% of civil cases shall be disposed of within 12 months of filing.
- 95% of civil cases shall be disposed of within 18 months of filing.
- 100% of civil cases shall be disposed of within 24 months of filing.

Family Court Objectives:

- Child Dependency, Neglect and Abuse Proceedings
 - 100% of proceedings involving dependent, neglected or abused children in the custody of the Department of Services for Children, Youth and Their Families shall have a permanency plan established within 12 months of the removal of a child from the home.
- Protection from Abuse Proceedings (PFA)
 - 100% of PFA petitions shall be disposed of within 30 days of filing.
- Child Support Proceedings
 - 100% of child support matters shall be disposed of within 90 days of the receipt of the petition.
- 90% of civil decisions shall be rendered within 90 days of taking the matter under advisement.

Court of Common Pleas Objectives:

- 90% of civil cases shall be disposed of within 250 days of the filing of the answer.
- 100% of civil cases shall be disposed of within 365 days of the filing of the answer.

Justice of the Peace Court Objectives:

- 98% of civil cases shall be disposed of within 120 days of filing.
 - 100% of civil cases shall be disposed of within 180 days of filing.
 - 95% of civil cases shall be disposed of within 30 days of being taken under advisement.
 - 100% of civil cases shall be disposed of within 90 days of being taken under advisement.
3. **Complete development of a new case management (information) system that will improve efficiency and timeliness of case processing by August 2009 (Branch-wide)**
 4. **Seek sufficient judicial officers to support the prompt and efficient resolution of cases by annually reviewing the need for additional judicial resources in accordance with Administrative Directive 134, requesting additional judicial officers, as needed. (Branch-wide)**

5. Increase court collections by 10% by FY 2007. (AOC/OSCCE)

**B. INITIATIVES/ACTIONS RELATING TO THE GOAL OF PROVIDING
PROMPT AND EFFICIENT RESOLUTION OF DISPUTES**

1. Disposal times for criminal and civil cases.
 - a. AOC provides/facilitates management reports quarterly that measure the performance of most courts for each stated objective and provides monthly detentioner reports to the courts to facilitate the review and resolution of long-standing detentioner issues. Due to current limitations in management reporting tools, the information is difficult to obtain and may be compiled manually. The implementation of reporting tools and “Metrix” through COTS will greatly facilitate this process and the ability of courts, in conjunction with the AOC, to easily and effectively capture statistical management information.
 - b. In addition to ongoing data collection efforts, the Administrative Office of the Courts is planning to work with the courts and others to initiate a new effort to develop uniform definitions, statistics, and performance measures. This initiative will seek to better measure performance and identify areas in which delays occur. The AOC has sought reclassification of an existing position to assist in this process and is currently awaiting approval of this reclassification by OMB.
2. COTS Initiatives/actions. (Timing of initiatives/actions may be delayed if “parking lot” items require customizations):
 - a. Upgrade to and complete functional and technical training on latest software release; complete first sample conversion run for JP Court in Sussex County – by end of first quarter of calendar year 2006.
 - b. Develop and deploy customizations for civil; begin testing; develop and deploy interfaces; run second sample conversion for JP Civil in Sussex County – by end of second quarter of calendar year 2006.
 - c. Complete end-to-end interface testing and system testing for JP Civil in Sussex County; begin end user training for JP Civil in Sussex County; run third sample conversion for JP Civil in Sussex County – by end of third quarter of calendar year 2006.
 - d. Finish end user training for JP Civil in Sussex County; begin end user training for JP Civil in Kent and New Castle Counties; begin system conversion and have system live for JP Civil in Sussex County; run first sample conversion for JP Civil in Kent and New Castle Counties – by end of fourth quarter of calendar year 2006.

e. Complete system conversion and go live with JP Civil for Kent and New Castle Counties; implement active/archive – by end of first quarter of calendar year 2007

f. Implement case statistics and CourtConnect (public access) capabilities; conduct e-filing training; develop, deploy and test customizations and interfaces for Civil in one county for CCP, Superior, Chancery, and Supreme Courts – by end of second quarter of calendar year 2007.

g. Complete end user training and sample conversion runs for CCP, Superior, Chancery and Supreme Courts in one county.- by end of third quarter of calendar year 2007.

h. Complete system conversion for CCP, Superior, Chancery and Supreme Courts in one county – by end of fourth quarter of calendar year 2007.

3. Initiatives/actions relating to need for judicial officers:

- a. Two additional Family Court judges and staff will be in place at the beginning of January '06.
- b. No additional judicial officers have been requested for the FY '07 budget due to other needs. It is anticipated that Superior Court and Court of Common Pleas judicial officers will be requested at some point in the future in accordance with Administrative Directive 134 and the Strine Report.

4. Initiatives/actions relating to increasing court collections

- a. Impediments/solutions to court collections will be identified and 1 legislation for FY '07 drafted, as appropriate, by July 2006
- b. A plan for relocation of offices to enhance collections will be developed by March 2006
- c. Resources and efficiencies between OSCCE and NCCCH Payment and Filing Center will be identified and analyzed by July 2006

C. PERFORMANCE AND OUTCOMES RELATING TO THE GOAL OF PROVIDING PROMPT AND EFFICIENT RESOLUTION OF DISPUTES – REPORT ON FY 05 PERFORMANCE

1. *Criminal Case Processing*

Supreme Court Objectives:

- 100% of criminal cases shall be disposed of within 250 days from the filing of the notice of appeal.
 - 75% of criminal cases were disposed of within 250 days from the filing of the notice of appeal.

- 100% of criminal cases shall be disposed of within 90 days of the date of submission of the case.
- ✓ 88% of criminal cases were disposed of within 90 days of the date of submission of the case.

Superior Court Objectives:

- 90% of criminal cases shall be disposed of within 120 days of indictment (excluding murder cases).
- ✓ At 120 days from indictment, in FY 2005, Superior Court indicates an average disposition rate for criminal cases of 68.5% (New Castle County), 72.2% (Kent County), and 85.8% (Sussex County).
- 98% of criminal cases shall be disposed of within 180 days of indictment (excluding murder cases).
- ✓ At 180 days from indictment, in FY 2005, Superior Court indicates an average disposition rate for criminal cases of 81.5% (New Castle County), 85.5% (Kent County), and 96% (Sussex County).
- 100% of criminal cases shall be disposed of within 1 year of indictment (excluding murder cases).
- ✓ At one year from indictment, in FY 2005, Superior Court indicates an average disposition rate for criminal cases of 97.3% (New Castle County), 97.5% (Kent County), and 99.1% (Sussex County).

Family Court Objectives:

- 90% of adult and juvenile criminal cases shall be disposed of within 45 days of the petition-information being filed.
- 100% of adult and juvenile criminal cases shall be disposed of within 90 days of the petition/information being filed.
- ✓ *At 45 days from the filing of a petition or information Family Court reports an average, statewide disposition rate for adult and juvenile criminal cases of 46%.*
- ✓ *At 90 days from the filing of a petition or information Family Court reports an average, statewide disposition rate for adult and juvenile criminal cases of 73%.*

Court of Common Pleas Objectives:

- 90% of criminal cases shall be arraigned within 30 days of their transfer from the Justice of the Peace Court.
- ✓ 80.6% of criminal cases are arraigned within 30 days. This accounts for all of the Court's caseload except traffic cases in New Castle County. It is currently taking 126 days to schedule those defendants for Traffic Court. However, arraignment and trial takes place on the same day; therefore, these cases are being fully disposed of on the date of arraignment.

- 90% of defendants held on bail for felony charges shall have a preliminary hearing conducted within 10 days.
- 100% of defendants held on bail for felony charges shall have a preliminary hearing conducted within 15 days.
✓ The Court met these objectives.
- 100% of defendants released on bail for felony charges shall have a preliminary hearing conducted within 20 days.
✓ The Court met this objective.
- 100% of criminal cases shall be disposed of within 90 days of the filing of the information.
✓ Statewide – 76.6% of cases are disposed of within 90 days of the filing of the Information.
- In criminal cases where a pre-sentence investigation is ordered, 90% of cases shall be disposed of within 30 days of the guilty finding.
- In criminal cases where a pre-sentence investigation is ordered, 100% of cases shall be disposed of within 45 days of the guilty finding.
✓ We can report that, when a pre-sentence investigation is ordered, the average length of time to dispose of the case after the guilty finding is 37 days.

Justice of the Peace Court Objectives:

- 90% of criminal/traffic cases shall be disposed of within 90 days of arrest.
- 100% of criminal/traffic cases shall be disposed of within 180 days of arrest.
✓ The Justice of the Peace Court exceeded the 90% rate of disposal within 90 days of arrest, and complied with 100% rate for case completion within 180 days of arrest.

2. *Civil Case Processing*

Supreme Court Objectives:

- 100% of civil cases shall be disposed of within 175 days of the date of filing of the notice of appeal.
✓ 51% of civil cases were disposed of within 175 days of the date of filing of the notice of appeal.
- 100% of civil cases shall be disposed of within 90 days of the date of submission of the case.
✓ 91% of civil cases were disposed of within 90 days of submission of the case.

Court of Chancery Objectives:

- 90% of decisions shall be rendered within 90 days of taking the matter under advisement.

- ✓ The Court of Chancery exceeded this objective. 96.5% of decisions were rendered within 90 days of taking the matter under advisement.

Superior Court Objectives:

- 90% of civil cases shall be disposed of within 12 months of filing.
 - ✓ Within 12 months of filing, in FY 2005, Superior Court indicates an average disposition rate for civil cases of 69% (New Castle County), 73% (Kent County), and 60% (Sussex County).
- 95% of civil cases shall be disposed of within 18 months of filing.
 - ✓ Within 18 months of filing, in FY 2005, Superior Court indicates an average disposition rate for civil cases of 82% (New Castle County), 82% (Kent County), and 64% (Sussex County).
- 100% of civil cases shall be disposed of within 24 months of filing.
 - ✓ Within 24 months of filing, in FY 2005, Superior Court indicates an average disposition rate for civil cases of 97% (New Castle County), 87% (Kent County), and 68% (Sussex County).

Family Court Objectives:

NOTE: The existing Family Court Civil Case Management system (FAMIS) does not provide case management/statistical reports regarding the following portions of the Courts caseload. However Family Court has provided estimates in each area which Family Court believes are reliable indicators of our performance relative to each objective. The Court looks forward to the COTS system which promises to provide the capability to produce meaningful case management/statistical reports for all areas of the Court's jurisdiction.

- Child Dependency, Neglect and Abuse Proceedings
 - ✓ 100% of proceedings involving dependent, neglected or abused children in the custody of the Department of Services for Children, Youth and Their Families shall have a permanency plan established within 12 months of the removal of a child from the home.
 - ✓ The Court estimates that over 95% of Child Dependency, Neglect and Abuse Proceedings have a permanency plan established within 12 months of the latter of either the removal of a child from the home or an adjudication of Dependency. The small percentage of cases exceeding the 12 month standard are cases where extenuating circumstances necessitate the extension of the timeframe for the scheduling of the Permanency Hearing.
- Protection from Abuse Proceedings (PFA)
 - ✓ 100% of PFA petitions shall be disposed of within 30 days of filing.
 - ✓ Family Court estimates that over 98% of PFA petitions are disposed of within 30 days of filing. The small percentage of cases exceeding the standards are cases where extenuating circumstances necessitate the continuance of the scheduled hearing, which may extend the time frame for disposition by several days. However in all such

cases an EX PARTE order will have been issued and will remain in effect until such time a final disposition is issued.

- Child Support Proceedings
 - ✓ 100% of child support matters shall be disposed of within 90 days of the receipt of the petition.
 - ✓ The Court estimates that 65-70 % of child support matters are disposed of within 90 days of the receipt of a petition. Family Court recently adopted a child support scheduling standard which requires that all child support cases be scheduled for hearing within 60 days of service. The Court expects significant improvement in the timeframes for disposition of child support cases as a result.
- 90% of civil decisions shall be rendered within 90 days of taking the matter under advisement.
Family Court met this objective.

Court of Common Pleas Objectives:

- 90% of civil cases shall be disposed of within 250 days of the filing of the answer.
- 100% of civil cases shall be disposed of within 365 days of the filing of the answer.
 - ✓ We can report that, statewide, the average length of time to fully dispose of civil cases in the Court is 321 days.

Justice of the Peace Court Objectives:

- 98% of civil cases shall be disposed of within 120 days of filing.
- 100% of civil cases shall be disposed of within 180 days of filing.
- 95% of civil cases shall be disposed of within 30 days of being taken under advisement.
- 100% of civil cases shall be disposed of within 90 days of being taken under advisement.
 - ✓ In FY 2005, the Justice of the Peace Court met the objectives stated above.

3. COTS (Branch-wide)

- a. The COTS Executive Committee and Working Group shall identify and promulgate model administrative practices and promote their adoption by all courts in anticipation of their being automated through COTS.

Examples of areas in which new administrative procedures based on “best practices” have been developed in FY 2005 (or are being worked on) include

- Electronic signatures
- Tax intercept
- Enterprise content (records) management
- Bail and expungement procedures
- Disposition consolidation and conversion
- E-filing
- Debit accounts

- Imaging court records
- Electronic record

In addition, pursuant to Supreme Court Administrative Directive 156, 9 new branch-wide accounting procedures (relating to the management of non-appropriated funds) have been developed, consistent with the “best practices” initiative

- b. Meet deadlines for COTS and achieve the Chief Justice’s goal of no more than 15% modifications.

During FY 2005, the COTS initiative successfully met the timelines of the project (with adjustments based upon the “pause” adopted by the Chief Justice to address vendor, and internal, issues). Court and AOC representatives completed the intensive training/analysis sessions and are working to configure the system, develop training programs for implementing the system branch-wide, and achieve implementation with as little customization as possible. The Operational Policy Committee (consisting of the chief judges), Executive Steering Committee (consisting of court administrators and other representatives), Project Tea (AOC/JIC representatives), Core Team (court representatives), and the Working Committee (court representatives and others), along with subcommittees focused on specific topic areas, are working hard to minimize the need for customization of the off-the shelf program.

II. RELATING TO THE GOAL OF PROVIDING EQUAL ACCESS TO JUSTICE

A. OBJECTIVES AND INITIATIVES RELATING TO THE GOAL OF PROVIDING EQUAL ACCESS TO JUSTICE

1. Court Interpreters:
 - a. Objectives:
 - Increase the number of languages for which certified court interpreters are available
 - ✓ Add certified court interpreters in two Asian languages during FY '07
 - Increase the availability of certified court interpreters
 - ✓ Increase the number of prospective interpreters by 5% by FY '07
 - b. Initiatives
 - ✓ AOC will advertise in foreign language newspapers during FY'07 in an effort to increase the number of languages for which certified court interpreters are available.
 - ✓ AOC will hold orientation sessions, as needed.
2. Pro Se Services

a. Objectives

- Increase the provision of assistance to self-represented litigants.
Specific objectives are:
 - ✓ Increase the number of self-represented litigants assisted at the Self-Help Center from 16,278 to 17,000
 - ✓ Increase the number of hours in which the Limited Pro Bono Legal Assistance Program is available from 176 to 186
 - ✓ Increase the number of attorneys who volunteer for the Limited Pro Bono Legal Assistance Program, a program in which attorneys volunteer to provide free fifteen-minute consultations, from 29 to 33.
 - ✓ Increase the number of non-attorney volunteers who staff the Limited Pro Bono Legal Assistance Program to ensure that the program is fully staffed during all hours of operation to 8 volunteers
 - ✓ Increase the number of volunteers to assist the public at the Self-Help Center from 37 to 39.

b. Initiatives

- ✓ AOC will provide continuing legal education seminars, on an as needed basis, to train attorneys who are unfamiliar with the jurisdictional areas in which assistance is needed.
- ✓ AOC will work with Widener University School of Law, Widener University Legal Education Institute and other schools offering paralegal programs to expand recruitment drives for volunteers

3. Provision of counsel for indigent defendants

- a. Objective: ensure sufficient resources for counsel for indigent defendants by preparing a report by March 15, 2006 concerning impacts on needs for defense counsel and recommendations for managing and funding defense counsel.
- b. Initiative: Convene a committee of appropriate criminal justice representatives, in furtherance of Section 49 of the FY 2006 Operating Budget (H.B. 300) to address indigent defense counsel resource issues, including the appropriate allocation of personnel and resources among the courts and other criminal justice agencies (the interrelationship of additional resources to one aspect of the criminal justice system on the resource needs of other areas of the system (i.e., analyzing the impact on the Attorney General's Office, the Public Defender/ conflict counsel, the courts, and corrections, caused by adding each new police officer); the appropriate structure of managing indigent services efficiently and

appropriately; and addressing on-going indigent services funding concerns.

B. PERFORMANCE RELATING TO THE GOAL OF PROVIDING EQUAL ACCESS TO JUSTICE

1. Court Interpreters

- Previous objective was to increase the number of prospective interpreters by 2%
 - ✓ There was a 12% increase in prospective interpreters (who attended orientation) between FY 2004 and 2005 (27 and 30 prospective interpreters, respectively).
 - ✓ There was a 16% increase in the number of certified interpreters in Delaware (who have past interpreter tests administered through the Delaware court interpreter program) between FY 2004 and 2005 (25 and 29 certified interpreters, respectively).
 - ✓

2. Pro Se Assistance

- Previous objective was to increase the number of litigants using the services of the Resource Center by 10% each year.
 - ✓ Self-Help Center statistics indicated that usage of the Resource Center did not increase between FY 2004 and FY 2005. 16,278 persons met with Self-Help Center personnel in FY 2005, while 17,804 persons did so in FY 2004 (a decrease of 8.5%). Recently, the Center has focused on enhancing the range and types of services it provides to ensure the satisfaction of those who use the Center.

3. Defense Counsel – this was a new objective this year.

III. RELATING TO THE GOAL OF PROVIDING SAFE FACILITIES FOR THE PROVISION OF JUSTICE

A. OBJECTIVES AND INITIATIVES RELATING TO PROVIDING APPROPRIATE AND SAFE FACILITIES FOR THE PROVISION OF JUSTICE

1. Security:

a. Objectives:

- ✓ Review security of all state court facilities (representative review only for JP Court) by end of calendar 2005
- ✓ Implement policy recommendations and install physical security measures on-going throughout FY 2006 and 2007, pending funding availability;

- b. Initiatives
 - ✓ Coordinate scheduling of facilities reviews with U.S. Marshal Service, which will conduct the reviews and with individual facilities
 - ✓ Compile lists of physical needs and policy changes recommended by the U.S. Marshal Service
 - ✓ seek funding from homeland security, budget office, and other sources to implement needed physical security measures
 - ✓ Work with Capitol Police to support their efforts, consistent with the Judicial Branch's security priorities, to develop plan addressing security-related staffing sufficiency and retention in conjunction with Capitol Police's budget request for FY2007 – additional Capitol Police officers and a canine unit have been requested.
 - ✓ Sponsor statewide training for court-security officers in September 2005.
- 3. Safety
 - a. Objective: Update and implement evacuation plan for the New Castle County Courthouse by February 2006
 - b. Initiatives/actions:
 - ✓ A part-time expert in safety planning was hired in August 2005
 - ✓ Complete draft of the evacuation plan to be completed by November 2005
 - ✓ Begin on-going safety training for employees by end of 2005
 - ✓ Begin on-going fire drills by March 2006
- 4. Disaster recovery/continuation of operations
 - a. Objective: Develop a statewide plan for disaster recovery/continuation of operations by June 2006
 - b. Initiatives
 - ✓ Establish a committee by October 2005
 - ✓ Complete a first draft of plan by March 2006
 - ✓ Complete final plan by June 2006
- 5. Provision of appropriate facilities:
 - a. Objectives: Construct, renovate, and maintain courthouses so that there are appropriate facilities for the provision of justice, including:
 - ✓ Begin renovation/construction of Kent County Courthouse complex by end of calendar year 2006;

- ✓ Conduct judicial growth studies for Family Court in Kent during Sussex Counties by end of FY '06 and for other courts in Sussex County
- ✓ Begin improving maintenance in Justice of the Peace Courts during FY '06

b. Initiatives/actions

- ✓ Planning and working with architects for Kent County Courthouse is ongoing
- ✓ Funding from MCI funds for FY '06 has been requested for growth studies for Family Court in Kent and Sussex Counties
- ✓ Justice of the Peace Court Facilities Assessment was completed in January 2005; \$500,000 in MCI funds will be allocated (pending Budget Office approval) for top priority work identified in the Assessment (courts 3 and 17). It is anticipated that in FY '07, additional MCI funds will be used to address the needs identified in the Facilities Assessment.

B. Past performance relating to the goal of providing safe and appropriate facilities for the provision of justice

1. Past objectives regarding security. The past objectives were set by the Court Security Task Force which was chaired by Judge Carpenter and the Secretary of Safety and Homeland Security and are contained in the Committee's Report. These were:
 - a. Establish a Court Security Division of the Capitol Police and a memorandum of understanding executed between the Department of Safety and Homeland Security and the Judiciary detailing the expectations as to the security to be provided.
 - b. Create a separate budgetary line item for court security within the budget of the Department of Public Safety.
 - c. Established a court security working group for every court facility.
 - d. Establish and hold regular meetings of a permanent statewide security task force.
 - e. Establish statewide standards pursuant to the Court Security Task Force Report.
2. Past performance regarding security. These objectives required inter-branch coordinated action, which complicated the ability to achieve significant results in this area. As a consequence, towards the end of FY 2005, the Courts refocused their efforts to areas impacting court security and established the objectives listed above. The following have been accomplished (during FY '05 and '06) relating to those new objectives:

a. Security reviews of the following courthouses have been conducted by the U.S. Marshals Service:

- New Castle County Courthouse
- Supreme Court, Dover
- Court of Chancery, Dover
- Family Court, Dover (report pending)
- JP Court, Dover (report pending)
- JP Court, Georgetown (report pending).

b. The following policies have been adopted for the NCCCH following the U.S. Marshal recommendations:

Prohibition on Cell Phones
Establishment of operational security committee
Holding Cell Policy
Badge Access Policy
Mail Screening Policy

c. The following other recommendations of the U.S. Marshal for the NCCCH have also been achieved:

Each courtroom equipped with ballistic material
Each courtroom equipped with battery powered emergency lights
Panic Buttons installed in 3 case managers areas for Family Court
Other projects are pending or funding is being sought for them.

d. A part time safety coordinator has been hired and is working on an evacuation plan for the New Castle County Courthouse

2. Past objectives and performance concerning providing appropriate facilities

Objective: Improve Sussex County courthouse facilities

Performance: Sussex County courthouse construction has begun and will be completed during FY '06.

IV. RELATING TO THE GOAL OF PROVIDING SUPPORT SERVICES - OBJECTIVES, INITIATIVES AND PAST PERFORMANCE (WHERE APPROPRIATE)

1. Strategic Planning

a. Objective: To improve the strategic planning process for the Judicial Branch for FY '07. (Branch-wide)

b. Initiative/Action: Analyze the applicability and usefulness of "CourTools" (national model court standards for court-related strategic initiatives/performance measures) and/or other measures for use in the Judicial Branch's overall strategic planning by April

2005, and adjust the strategic planning as appropriate for the next fiscal year.

2. Staff training.

- a. Objective: Plan for expansion of staff training for all employees to enhance their work performance.
- b. Initiative/Action: An action plan will be approved by the end of calendar year '05.

3. Bail

- a. Objective: Develop rules and regulations for the judicial branch to enable the courts to manage and monitor the activities of bail operations. (Branch-wide)
- b. Initiative/Action: The bail committee will work with the Department of Insurance to draft legislation by the beginning of calendar year '06 directed at strengthening insurance regulations and developing language more specifically addressed to activities of bail agents and agencies.

c. Past objectives/performance relating to bail

Increase the number of Certified bail bond companies on the branch registry by 5% each year.

The centralized registration and certification process for bail bond companies within the courts was deferred, pending a joint initiative with the Department of Insurance. Communications were facilitated to ensure that information on bail bond companies was available on a branch-wide basis, and that individual court bail bond company registries were updated.

4. Sentencing orders:

Past objectives/performance

Achieve 80% compliance with sentencing order assessments

In Superior Court, approximately 92% of sentence orders are being entered into the automated sentence order program.

5. Non-judicial Agencies

Objective: Determine the appropriate role and oversight for non-judicial

Agencies within the AOC/Judicial Branch

Initiatives/Activities: A “white paper” on the relationship of non-judicial agencies and the Judicial Branch has been prepared.